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8 Attorneys for Ron Diedrich, in his official capacity as  
Director and Chief Administrative Law Judge of the  
9 State of California Office of Administrative Hearings

10  
11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
13

14 **C.S., by and through his Conservator,**  
15 **MARY STRUBLE, on behalf of himself and**  
16 **all others similarly situated,**

17 Plaintiff,

18 v.

19 **CALIFORNIA DEPARTMENT OF**  
**EDUCATION, a State Agency,**

20 Defendant.

Case No. 08 CV0226 W AJB

**DECLARATION OF SUSAN K.**  
**LEACH IN SUPPORT OF JOINT**  
**MOTION OF ALL PARTIES TO**  
**CONTINUE THE EARLY NEUTRAL**  
**EVALUATION AND RELATED**  
**DATES**

Hearing: May 5, 2008

Judge: The Honorable Anthony J. Battaglia

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22 1. I am an attorney admitted to practice before the Courts of the State of California  
23 and this Court. I am a Deputy Attorney General in the Government Law Section of the Attorney  
24 General, and I am the attorney of record in this matter for defendant Ron Diedrich, in his official  
25 capacity as Director and Chief Administrative law judge of the State of California Office of  
26 Administrative Hearings ("OAH"). The matters set forth in this Declaration are true of my own  
27 knowledge, and if called as a witness I could and would testify competently thereto.

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2. Plaintiff commenced this action against CDE on February 5, 2008, and on February 19, 2008, plaintiff moved for a temporary restraining order. By order of the Court, the hearing for the temporary restraining order was set for April 28, 2008. *See* March 7, 2008 Order. Additionally, the Court granted OAH's motion to intervene as a defendant on April 7, 2008. *See* April 7, 2008 Order.

3. Defendants California Department of Education ("CDE") and OAH filed oppositions to plaintiff's motion for a temporary restraining order on April 14, 2008, and plaintiff filed a reply on April 21, 2008.

4. I contacted counsel for plaintiff and defendant CDE on April 21, 2008 and asked whether they would agree to a continuance of the Early Neutral Evaluation ("ENE") because the motion for a temporary restraining order is pending.

5. All parties join in and agree with this motion for a continuance of the ENE hearing and all related dates. Gabriel Vivas, counsel for CDE, agreed on April 21, 2008 that we should request a continuance of the ENE until after we have received a ruling on the motion for a temporary restraining order. Ellen Dowd, counsel for plaintiff, agreed on April 22, 2008 that we should request a continuance of the ENE because it would be difficult to discuss settlement prior to a ruling on the motion for a temporary restraining order.

6. Counsel has complied with Civil Local Rule 26.1.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed this 23<sup>rd</sup> day of April, 2008 in Los Angeles, California.

/s/ Susan K. Leach  
Susan K. Leach